

## REMARKS

Applicant thanks the Patent Office for the careful attention accorded this Application and respectfully request reconsideration in view of the Amendment above and remarks set forth below.

In response to the Office Action mailed December 19, 2005, Applicant has canceled Claims 351-395 without prejudice or disclaimer and have added rewritten claims 396-438 for further prosecution on the merits.

Also, Applicant is submitting under separate cover letter, a Supplemental Information Disclosure Statement (SIDS) with proper copies of those prior art references not considered by the Examiner.

As rewritten, Claims 396-438 are directed to a novel Web-based consumer product marketing and merchandising network for allowing members of a consumer product consumer product management team to communicate directly with consumers anywhere along the expanding fabric of the WWW (e.g., e-commerce enabled retail stores, lifestyle Web sites, weblog sites, Web-enabled images and documents etc.) --- using Web-based server-side driven, Multi-Mode Virtual Kiosks (MMVKs) that can be rapidly generated by the consumer product management team for each consumer product registered on the network.

As recited in independent claims 396, 410 and 424, each MMVK is implemented by (i) a computer-executable server-side component stored on a first Internet-enabled information server operably connected to the WWW, and (ii) a MMVK tag that references the computer-executable server-side component and is embeddable within an HTML-encoded document. Particular aspects of this bifurcated method are covered in Applicant's prior US Patent Nos. 6,625,581 and 6,961,712, and schematically depicted in great detail in Figs. 4E2 through 4F2 of the present Specification.

As recited in independent claims 410 and 424, each MMVK, when generated by the first Internet-enabled information server, has a graphical user interface (GUI) characterized by a

plurality of independently programmable display modes selectable by the consumer, from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) display mode for displaying a set of consumer product information resources arranged for selection by the consumer.

As recited in independent claims 410 and 424, these different display modes supported by each MMVK are remotely and independently programmable by different Web-based subsystems.

As recited in dependent claims 397, 411 and 425, a second Web-based subsystem allows members of the consumer product management team to create and manage, for each registered consumer product, a consumer product information (CPI) link structure comprising the following items:

- (i) a Universal Product Number (UPN) assigned with the consumer product;
- (ii) a Trademark (TM) assigned to the consumer product; and
- (iii) a set of URLs for a plurality of consumer product information (CPI) resources located on the WWW, that can be selected to program said set of consumer product information resources for the consumer product.

Such features allow consumer product management teams to exercise a high degree of control over their consumer product brand information, regardless of where such consumer product information resources may reside at locations (specified by URLs) on the WWW (e.g. stored on and served from global content delivery networks or CDNs, and Web-enabled content management and publishing systems).

Also, upon the Web-browser of the consumer encountering a MMVK tag in an HTML-encoded document, the computer-executable server-side component corresponding to the MMVK tag is automatically executed and the corresponding MMVK is generated from the first Internet-enabled information server and served to the Web browser for display and review by the consumer.

This novel system architecture of the Web-based network of the present invention has a number of important benefits and advantages.

In particular, any branded consumer product manufacturer (and its retail trading partners) can now quickly create, deploy and manage “product-specific” MMVKs for each and every product in the its supply-chain management system, and simply install and manage these MMVKs across all of its Web-based marketing and sales channels, at points of display and sale, both online and in brick and mortar stores, as well as along non-traditional spaces on the ever expanding WWW.

A manufacturer’s entire consumer product catalog can be quickly registered on the Web-based network of the present invention, and a “product-specific” MMVK, indexed to the product’s UPN, automatically generated for each registered product in just minutes.

The Web-based network of the present invention enables manufacturers to manage their consumer product brand information with an unprecedented level of efficiency and strategic advantage along the retail value chain along both electronic and physical streams of commerce.

Each MMVK on the network has a plurality of independent modes of information display, and these independent display modes can be easily programmed by different members of the consumer product management team (e.g. brand managers, product information managers, advertising agencies, promotional agencies et al.) who typically have different responsibilities within a consumer product management enterprise.

Each MMVK can be e-commerce enabled with e-commerce-enabled links (i.e. URLs) that are designed to transport the consumer to the shopping cart of a retail partner’s web site, and/or the manufacturer’s e-commerce site, if one is maintained on the WWW.

MMVKs deployed on the network of the present invention can function as virtual product showcases that allow manufacturers to deliver consistent brand merchandising and service to

consumers present anywhere in electronic and physical streams of commerce, in the service of both the retail trading partners and consumers.

MMVKs deployed on the network of the present invention can also function as turnkey e-commerce stores to support e-commerce transactions anywhere along the fabric of the WWW.

Using the Web-based network of the present invention, retailers and other trading partners can rapidly create, deploy and manage MMVKs that are programmed with information links (i.e. URLs) associated with a plurality of consumer products made or sold by the retailer's manufacturers/vendors (i.e. "retailer-specific" MMVKs).

These retailer-specific MMVKs can be simply programmed by importing product/brand content (i.e. "CPI link structure" recited in Claims 397, 411 and 425) which is managed by the manufacturers/vendors of consumer products.

Retailer-specific MMVKs can have their advertising and promotional display modes programmed by the retailer, and/or its ad and promo agencies.

Retailer-specific MMVKs can be installed across all of the retailer's marketing and sales channels, both online and in brick and mortar stores.

Each retailer-specific MMVK can be e-commerce triggered with a link to the retailer's e-commerce shopping cart.

Retailer-specific MMVKs can function as virtual product showcases that allow retailers to deliver consistent brand merchandising and service to consumers present anywhere in electronic and physical channels of commerce.

Retailer-specific MMVKs can also function as turnkey e-commerce stores to support e-commerce transactions anywhere along the fabric of the WWW.

Many other benefits of the network and MMVK technology of the present invention will become apparent in view of the present Specification.

Clear detailed support for the claimed invention can be found in Figs. 2C2, 2C3, 4E1-4F2, 9A, 10A1-10A2, 11, 13, 15A-15MM, 16-21C, 41, 42A-42C and 43, and at corresponding portions of the present Specification.

Applicant has carefully reviewed the prior art references, including US Patent Nos. US Patent No. 6,591,247 to Stern and US Patent No. 6,542,933 to Durst et al, and firmly believe, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest the present invention defined by the rewritten Claims 396-438.

US Patent No. 6,591,247 to Stern discloses an IP based digital content distribution network where batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. .big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites (e.g. physical retail kiosks, "wall of eyes" television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest.

US Patent No. 6,542,933 to Durst et al, discloses a way of implementing the general method of delivering consumer product information on the Internet to a user's Web browser by providing the consumer product's UPC number to a UPC/URL database server constructed in accordance with US Patent No. 5,978,773 to Hudetz et al. As shown in Fig. 2 and described in Col. 5, at lines 65-68, and in Cols. 6, 7 and 8 of US Patent No. 6,542,933, Durst's method involves generating a special linkage code symbol 10 containing data elements that reference a file location index, where the index is able to be resolved into a computer file associated with a web-based content server. The linkage code symbol 10, which must be first registered with the networked system shown in Fig. 2, and then applied to or associated with a physical object that may be used to access a referenced destination of information content that relates to the object. During operation of the networked system disclosed in US Patent No. 6,542,933 to Durst et al,

an input data string is entered into an end user's client computer 20 (which may be a store kiosk) from the data elements contained in the linkage code symbol 10. A linkage client 22 (software utility) installed on the client computer 20 receives the input data string via keyboard, bar code scanner, or other input device. The linkage client 22 then decodes the entered data string so as to resolve the data string into a file location pointer. The linkage client 22 then assembles a file request word that comprises the file location pointer where the file request word is transmitted to the network. (The file location pointer comprises a network address portion and a file identifier portion. The file location pointer is stored in the memory map 52 on information server 50 and is looked up by the linkage client by the file location index.) The file request is transmitted either directly by the linkage client 22, or alternatively it is passed to the web browser 24 on the client computer 20, which retrieves the appropriate information resource by communicating through the Internet.

Clearly, US Patent No. 6,591,247 to Stern and US Patent No. US Patent No. 6,542,933 to Durst et al, when taken alone, or in combination with each other, fails to disclose, teach or otherwise suggest the Web-based consumer product marketing and merchandising network as defined by the rewritten Claims 396, 410 and 424, which supports the creation, deployment, installation and management of server-side driven MMVKs for each consumer product registered on the network, as claimed.

Furthermore, Stern and Durst fail to disclose, teach or suggest a Web-based consumer product marketing and merchandising network, as defined by the rewritten claims, having any of the following features:

- (i) each MMVK deployed on the network of the present invention has a GUI with distinct display modes for displaying consumer product information, ad spots and promo spots which can be remotely and independently programmed by members of a consumer product management team using Web-based subsystems within the network that have been designed for improved efficiency and marketing productivity;

- (ii) each MMVK deployed on the network of the present invention can be simply installed in any HTML-encoded document (e.g. product image, document or graphical icon) by embedding an simple MMVK tag in the HTML-encoded document;

(iii) each MMVK deployed in the network of the present invention can be installed at, and launched from, a product image at an e-commerce enabled retail site, so as to enable brand-assisted retail merchandising, wherein the costs and labor can be covered by the product manufacturers while retail trading partners enjoy the benefits of enhanced online product brand merchandising;

(iv) for each consumer product registered on the network of the present invention, consumer product brand information (displayed through the product's MMVK) can be easily managed by creating and managing consumer product information (CPI) link structures (i.e. UPN/TM/PD/URLs) for such registered products, thereby providing consumer product management teams tight control over the brand content that can be used to programmed the display modes of any particular MMVK deployed on the network of the present invention; and

(v) as MMVK content on the network of the present invention is managed by managing link structures (i.e. UPN/TM/PD/URLs) for registered consumer products, the actual data files associated with such consumer product information resources, including rich media advertisements and promotions, can be hosted on global content delivery network (CDNs), such as the Akamai® CDN, for high speed delivery over the Internet, without requiring specialized high-bandwidth satellite communication links and the like.

The Stern network is limited and constrained to use in physical retail stores, and is unsuitable for use in the market spaces existing along both electronic and physical streams of commerce, for which the claimed network has been invented.

Also, the networked system disclosed in US Patent No. 6,542,933 to Durst et al is limited to accessing and displaying Internet-based information resources using conventional Web browser clients, and linkage codes have been registered with the networked system and applied to physical objects. In the Durst et al reference, there is not even a hint at providing a Web-based consumer product marketing and merchandising network, with server-side driven MMVKs, as claimed.

By combining the disclosures of Stern and Durst, the Web-based network of the claimed invention is just not provided, nor suggested.


In view therefore, of the Amendment and Remarks set forth above, the present invention defined by new Claims 396-438 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

A total of three (3) independent claims and forty three (43) in all, remain after amendment. Applicants previously paid for a total of three (3) independent claims and forty four (44) in all, and believe no additional claims fees are due at this.

The Commissioner is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340.

Respectfully submitted,

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